

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1494 OF 2007
IN
POTAL SPL.CASE NO.2 OF 2003

Mohd.Abdul Rashid Ansari. ..Petitioner.
Versus
The State of Maharashtra. ..Respondent.

Mr.Shaikh Sharif & Mirza Y.K. Adv. for the
Petitioner.

Smt.U.V.Kejariwal, APP, for the State.

CORAM : R.M.S.KHANDEPARKAR AND
SMT.V.K.TAHILRAMANI, JJ.
DATED : SEPTEMBER 21, 2007.

P.C.:-

1. Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner is accused in POTA Special Case No.2 of 2003. The said case is pending before the learned Special Judge for Greater Bombay. The petitioner has preferred an application for bail in the said matter in January, 2006. However prior to that, coaccused in the very same case had preferred a SLP being Cri.M.P.Nos.10943 to 10945 of 2005. In the said matter, the Supreme Court by order dated 18th October, 2005 granted interim stay of the trial pending before the POTA Court.

3. The learned Advocate for the petitioner has submitted that the application of the petitioner for bail is not being heard by the learned Special Judge on account of the order dated 18th October, 2005 passed by the Supreme Court whereby the trial has been stayed.

4. It is noticed that by order dated 18th October, 2005 only the trial has been stayed and the entire proceedings in the said POTA special case have not been stayed. In this view of the matter, there is no impediment for the learned Special Judge to consider the bail application preferred by the petitioner. The learned Special Judge to decide the bail application preferred by the petitioner and dispose it of in accordance with law.

5. Writ Petition is disposed of accordingly.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI, J.]